

Meeting of 2005-1-25 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 25, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Brenda Smith, Acting City Clerk
 Col. Keith Herring, Fort Sill Liaison

Mayor Purcell called the meeting to order 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Apostle Rodrick Jackson, Salt Ministries, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

Mayor Purcell presented to Senator Randy Bass a plaque made from his City Council nameplate in honor of his service as Ward One Lawton City Council Member. Senator Bass said he learned a great deal while serving on the City Council and felt that Lawton was moving in the right direction. He offered his assistance to the constituents of District 32. Senator Bass presented a ceremonial check to Mayor Purcell in the amount of \$42,338 from the State Treasurer to provide aid to the Lawton Public Library. His wife and daughter accompanied Senator Bass.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO LINDA CLEVERING, LIBRARIAN I, LAWTON PUBLIC LIBRARY

David Snider, Library Director, introduced Linda Clevering as Employee of the Month. Ms. Clevering has been employed at the Lawton Public Library for 25 years and has worked in most sections. She is a part-time employee and her work in the summer program resulted in an increase from 2,600 participants to 8,000. Snider congratulated Ms. Clevering on this accomplishment and on her daily performance. Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, gift certificates from Mall merchants and a Mayor s Do What s Right coin. Ms. Clevering thanked her husband and co-workers for their support and attendance and said it was an honor to receive this recognition.

Police Chief Harold Thorne explained the acquisition of a 1986 Corvette, which has been modified for use in police-related programs. He thanked the following businesses for participating in the restoration: Guy s Body Shop, Cleland s Upholstery, Midas Muffler, Auto Zone, Hi Fi Shop, A-1 Window Tint, Advance Auto Parts, MTS Performance, and Goodyear Tire.

AUDIENCE PARTICIPATION:

John Thomas, 113 SE Sungate, on behalf of the Employee Advisory Committee, presented letters to the Mayor and Council setting forth the desires of the general employees for wages and benefits in the upcoming budget considerations.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF JANUARY 5 AND REGULAR MEETING OF JANUARY 11, 2005.

The Clerk requested a correction in the spelling of the name of the new Human Resources Director.

MOVED by Warren, SECOND by Ewing-Holmstrom, to approve the Minutes with the noted correction. AYE: Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. ABSTAIN: Patton. MOTION CARRIED.

CONSENT AGENDA: Mayor Purcell asked that Item 6 be stricken. Devine requested separate consideration for Item 2.

MOVED by Patton, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of Items 2 and 6. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Tellis and Laura Jones in the reduced amount of \$144.00. Exhibits: Legal Opinion/Recommendation.

2. Consider the following damage claims recommended for denial: David & Myrtle Parsons in the amount of \$20.00 and Cassandra & Wayne Johnson in the amount of \$450.00. Exhibits: Legal Opinions/Recommendations.

Cassandra Johnson, 8212 NW Stonebridge Court, speaking on behalf of Premier Orthopedics, explained a sewer backup that occurred at their office on November 17, causing a bill of \$450 to extract sewage. She said the plumber advised that they call the City and that the City crews cleared the blockage and told her that the lines were overloaded during heavy rainfall. Haywood asked if this had happened previously. Vincent said no, not in the past three years; it was an obstruction, but it was not rainwater, it is not in the SSES and it is not on the monthly maintenance schedule.

MOVED by Shanklin, SECOND by Devine, to pay the Johnson claim in the amount of \$450 and authorize all necessary documents. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED. *Note: This action includes adoption of **Resolution No. 05-08** necessary for payment of the claim.

MOVED by Devine, SECOND by Shanklin, to deny the Parsons claim. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

3. Consider accepting permanent utility easements for existing sewer lines located in the East of Section Eleven (11), Township One (1) North, Range Twelve (12) West, and authorize the Mayor and City Clerk to sign the easements and a thank you letter to the Kelsey s for their donation of the easements. Exhibits: Map. Action: Acceptance of Easements from Charles Kelsey.

4. Consider releasing an easement located in Section Eleven (11), Township One (1) North, Range Twelve (12) West, that was granted to the City of Lawton on April 14, 1960, and filed in the Comanche County Clerk s Office in Book 846, Page 452, and authorize the Mayor and City Clerk to execute the release. Exhibits: Map.

5. Consider accepting a Warranty Deed and a Temporary Easement which are needed for the Flower Mound Project #STP-116B (046) (Gore Blvd. To Rogers Lane); authorize the Mayor and City Clerk to execute the documents and authorize payment to the property owners for the items listed below. Exhibits: None. Action: Accept warranty deed and temporary easement from J. Shane and Ginger R. Ross.

6. Consider awarding a construction contract to Wind River Construction for the Water System Security Fencing Project 04-4 SSES. Exhibits: None. Action: THIS ITEM WAS STRICKEN.

7. Consider approving Change Order No. 2 for the Lake Helen Access Road Construction Project #2002-6 with Bruton Construction Co., Inc. Exhibits: None. Action: Approve 550 LF of under drain pipe to control groundwater and prevent damage to the asphalt pavement; cost is \$6,600.00; 14 contract days added.

8. Consider approving Change Order No. 1 for the NW 34th Street/Drainage Project #2001-23 with Bruton Construction Co., Inc. Exhibits: None. Action: Approve modifications to pre-cast concrete drainage box needed to accommodate a sewer line crossing; cost is \$4,717.35; 19 contract days added.

9. Consider approving plans and specifications for the Wastewater Treatment Plant Administration Building Re-roofing Project #2005-9 and authorizing staff to advertise for bids.

10. Consider entering into an agreement with the Oklahoma State Department of Health to perform services related to Food Handler Permits and restaurant inspections. Exhibits: Memorandum of Agreement.

11. Consider approving the construction plat for Yorkshire Estates subject to conditions. Exhibits: Plat Map. Action: Approve subject to conditions: 1) Submission of a performance bond to ensure the cleaning of the floodway located within the platted area. Said bond shall be in the amount of 125% of the estimated cost of cleaning and

shall be for an initial term of 180 days with an option to be extended by the City Council if, due to weather, the cleaning cannot be performed during the 180 days; 2) Obtain Oklahoma Department of Environmental Quality permit for the waterline.

12. Consider approving an agreement with Lawton-Fort Sill Habitat for Humanity, Inc., a Community Housing Development Organization (CHDO) for the construction and sale of four (4) single-family affordable housing units and authorizing the Mayor and City Clerk to execute the document. Exhibits: None.

13. Consider awarding contract for Robinson s Landing Concession Lease (CL05-024). Exhibits: Recommendation; Bid Abstract. Awarded to Michelle Massey; \$311.00 per month.

14. Consider awarding contract for Police Footwear (CL05-023). Exhibits: Recommendation; Bid Abstract. Awarded to OPS Uniforms & Equipment of Oklahoma City.

15. Consider awarding contract for Steel Building Package (CL05-025). Exhibits: Recommendation; Bid Abstract. Awarded to Rhino Steel Building Systems of Denton, Texas.

16. Consider approving the following contract extensions: A) Wrecker Service (CL03-038) with Priest Brothers and American Auto Salvage Equipment Maintenance. Exhibits: None.

17. Consider approving appointments to boards and commissions. Exhibits: None.

CITY PLANNING COMMISSION: Tom Linville, Ward 4, Term: 12/14/04 to 12/04/07

ENVIRONMENTAL CONCERNS COMMITTEE: Scott Sherman, Fort Sill Representative, Term: 1/25/05 to 1/25/08

LAKES & LANDS COMMISSION: Jim Thompson, Term: 1/25/05 to 1/25/08

MAYOR S COMMISSION ON THE STATUS OF WOMEN: Dr. Carolyn Brown Ukpaka, Ward Six, Term: 1/25/05 to 1/25/07

18. Consider approval of payroll for the period of January 17 to 30, 2005. Exhibits: None.

BUSINESS ITEMS:

19. Consider accepting State Aid for Libraries grant of \$42,338 and authorize execution of the contract with the Oklahoma Department of Libraries. Exhibits: None.

MOVED by Shanklin, SECOND by Patton, to accept the State Aid for Libraries grant. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Items 30 and 31 were considered at this time.

30. Consider approving an Outside Water Sales Contract with Rodney L. & Yvonne R. Dirickson, and authorize the Mayor and Acting City Clerk to execute the contract. Exhibits: Map.

Vincent said Mr. and Mrs. Dirickson purchased a home outside the City limits, but no actions were taken to acquire an outside water sales contract. The previous owners had such a contract.

MOVED by Patton, SECOND by Ewing-Holmstrom, to approve the Outside Water Sales Contract with Rodney L. & Yvonne R. Dirickson, and authorize the Mayor and Acting City Clerk to execute the contract. AYE: Haywood, Warren, Shoemate, Givens, Ewing-Holmstrom, Shanklin, Patton. NAY: None. ABSTAIN: Devine. MOTION CARRIED.

31. Consider approving a credit adjustment to utility account #1301054142 for Rodney Dirickson for his property located at 2902 SE 45th Street in the amount of \$1,655.92. Exhibits: Repair bill dated 11/20/04 from Pippin Brothers, Inc.

Rick Endicott, Finance Director, said when Mr. Dirickson bought the home, he was told there was a drainage problem, but after the rains stopped they found an underground leak. He recommended approval of the adjustment in the amount of \$1,655.92. Ewing-Holmstrom asked where the leaks were from. Barbara Curran, Revenue Services Supervisor, said the service line broke under the patio and it affected two months bills. Shanklin asked if the City reads these meters and Curran said yes. Shanklin asked why it would take two months of high bills before it was fixed. Curran explained the billing cycles overlap and said it was repaired between the cycles.

Ewing-Holmstrom offered a motion to approve the adjustment.

Vincent said there was no contract in place at the time of the leak so it would not be appropriate to apply the

ordinance on leak adjustment; however, it is not in violation of the contract to do so.

Ewing-Holmstrom withdrew the motion to approve the adjustment.

MOVED by Patton, SECOND by Haywood, to approve the credit adjustment of \$1,655.92.

SUBSTITUTE MOTION by Shanklin, SECOND by Devine, to pay one-half of the requested adjustment and the owner to pay the other one-half.

Rodney Dirickson said he bought the house and was told when it rained, water would be standing 200 feet from the house, so he was looking for ways to improve the drainage and did not think there was a leak. He said his neighbors later told him they had not seen the water stand for such a long a time. Dirickson said he had not received a water bill yet and contacted the City and was told that a large bill was being sent so he asked what process to follow. He said repairs were made by Pippin Brothers, licensed plumbers, as soon as he learned of the leak. Ewing-Holmstrom asked when he purchased the house and Dirickson replied in July or August. Shanklin explained water rates and donation of right of way in this area.

Substitute motion and second were withdrawn.

VOTE ON MOTION to approve the credit adjustment of \$1,655.92: AYE: Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

20. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2004. Exhibits: None.

Andy Cromer of John Arledge & Associates, CPA s, reviewed: 1) Letter of Audit Communication and Management Letter; 2) Annual Financial Statements and Independent Auditor s Report for the year ended June 30, 2004; and 3) Single Audit Reports and Supplementary Schedules dated June 30, 2004.

Cromer said there are no issues in the first document. He said they do not look at every transaction but do a sampling and look at areas with higher risk and where there have been problems in the past. The City s budget is prepared on a cash basis; financial statements are prepared and estimates can have an impact. One significant audit adjustment was made essentially to last year s audit report. There were no disagreements with management.

Cromer reviewed the financial statements stating this is an unqualified opinion, which means that everything is acceptable and the statements are materially correct. He said there have been no modifications to the report and the State and Federal authorities are interested in seeing that. The management discussion and analysis is supposed to be an easier way to see the meaning of the audit without reviewing all of the figures. Page 13 shows the GAAP, or Generally Accepted Accounting Principles, and the budget basis is cash in and cash out; this takes that a step further showing where the City owes people money and people owe money to the City, whether it resulted in a cash transaction or not. The governmental activities are comprised of the General Fund and the utilities.

Cromer said all of the transactions prior to Page 45 are the non-cash transactions; Page 45 shows what the City has brought in as cash revenue and paid out in cash as expenses. There were no budget modifications, the original budget that was adopted lasted all year. The third number from the bottom in the third column states net change in fund balance and that can be considered net income, so there is over \$3 million in positive income. The year started with \$1.2 million and that \$3 million is your fund balance basis for going forward into the year 2005.

Endicott said that number was \$3.8 million in the budget so we grew by almost \$500,000; when the budget is done in March/April, we do an estimate on the fund balance at the end of the year. Devine commended the Finance Department for dealing with this much money and projecting how much there would be, to be that close, as tight as the budget was last year, the staff did a fantastic job.

Shoemate asked what the transfers were. Cromer said those are transfers between the General Fund and the utilities; there are funds transferring money back and forth. Cromer said bonding documents may require that sales tax be transferred to a certain fund; it is moving money from one pocket to another within the City.

Cromer said the final report, supplementary schedules, when any organization is audited, standards must be followed for financial statement purposes. For governmental entities, a second set of standards are applied, and it places additional work on the auditors and City staff. Also, if over \$300,000 is received in federal funding, then a single audit must be performed, and Lawton did receive more than \$300,000 so the auditors had to select the programs, the larger and riskier federal programs, and do a compliance audit on those. Cromer said the regulations are that money must be spent on certain things only and caps are in place on some instances, so they must check that. He said the document shows there was compliance with laws and regulations, such as paying retirement taxes and pension payments on time. Cromer said if a grant was received and it requires a certain thing to be done, that is a material provision and it must be followed. If those things were not being done, it would be

reported in this document. Cromer said some things may be so small that they are not reported to anyone but the finance staff. He said there are no findings in any form or shape. Cromer said the report is bulky but it is in the form that the State and Federal authorities require.

Endicott said there had been past questions about investments, which are completely insured and collateralized. Staff disagreed with the auditors two years ago and they had a large portion of the investments at a higher risk, and staff did not agree with that assessment. Endicott said Page 31 of the larger book deals with this issue and Council should be fully aware that all investments are made with the intention that they are insured and collateralized so we do not put ourselves at risk. Shanklin asked if the \$19 million is scattered all over the United States. Endicott said yes.

Givens asked if there was a point where the unfunded pension benefits of \$4.6 million should cause alarm. Cromer said an actuary checks that every two years and it is an appropriate question to ask the actuary. Endicott said that Deborah Jones and Jerry Ihler both serve on that board and there is some concern that our pension fund be funded as fully as possible, and there has been a decrease over the last few years. Endicott said he personally did not think it was at an alarming rate but it needs to be paid attention to and when this year's budget was adopted, the City increased its contribution by % and that was part of the reason for doing so, to help this unfunded liability.

Mayor Purcell said the auditor stated there were no material weaknesses and no findings. He said there are not many businesses in this country, and certainly not many governmental entities, that could ever get an audit with no material weaknesses but no findings is unheard of. Mayor Purcell said the entire finance crew is to be congratulated and it is really impressive. Endicott said he appreciated that and commended Laura Smith and Julie Magness. Mayor Purcell invited Endicott, Smith and Magness to the stage and presented each with a Mayor's Do What's Right coin and thanked them for their outstanding work.

MOVED by Shanklin, SECOND by Warren, to accept the audit report for the City of Lawton for the year ended June 30, 2004. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

21. Consider receiving a report on the City's financial condition for the first six months of fiscal year 2004-2005, and provide direction to staff. Exhibits: None.

Endicott said the report had been distributed. The executive summary, budgeted revenue for 2004-2005 is \$48.6 million and collection to date is \$24.7 million, or 50.83% and we are at 50% of the year. General fund revenue, sales tax is up \$264,385 or 3.19%, as compared to last year. Last year's budget estimate was an increase in sales tax of 2.5% to 3%. \$17.1 million, or 49.8%, of budgeted revenue has been collected. Franchise tax is up \$33,000, or 3.35%, and we have collected 45.13% of that. Police fines and bonds were down last year tremendously but it is up \$500,000 compared to last year and 63.52% of the budgeted revenue has been collected. All other general fund revenue is up 7.11% and we have collected 50.24%.

Givens asked how sales tax is up 3.19% but there was a projection for a 2.5% increase but you are a little bit less than half of the projection. Endicott said we are comparing to last year, that is the first sentence, and we projected that our sales tax would grow approximately 2.5% over last year. Givens said it has grown 3.19% but yet for the first six months, it is less than 50%. Givens said if your actual is more than your projection, then the collection seems like it should be more than 50%. Endicott said we are comparing two different things; we are comparing to what we collected the same time last year, then we are also saying we have collected X amount of what we think we are going to collect this year.

Mitchell said the first sentence is separate from the second. The first sentence is the sales tax is up year to date as compared to the same period last year. The second sentence is that budgeted sales tax revenue is 49.8% of what was budgeted, so these are two distinct things; one is comparing to last year, and the second is comparing to budget.

Endicott said in the enterprise fund revenue, water revenue is down \$124,940 or 1.99% compared to the same period last year and that was anticipated because last year there were situations where funds were gained, such as the Fort Sill contract increase and Bar-S owed some funds for water usage. 52.53% of budgeted revenue has been collected. Sewer revenue is up 7.46% and 50.39% of budgeted revenue has been collected. Refuse is down 1.18% and 48.84% has been collected. Landfill revenue is up \$85,000 or 16.65% as compared to last year, and we have collected 49.62% of landfill revenue.

Devine asked about the water revenue being down. Endicott said it is down about \$125,000 compared to last year at this time. Devine said we have allowed \$55,743.64 in leak adjustments, so that is half of that loss. Endicott agreed and said the budget did not project an increase this year in water. Patton asked when the large payments were received last year. Endicott said he thought it was January or February because it was included in the March report. Mitchell said Fort Sill was right at the end of the year.

Endicott said it is helpful to compare the revenue to expenditures. Most of the revenue is right at 50%. The expenditures are 46-47%, which is expected this time of the year and it grows as the year goes on.

Patton said Waurika is at 96.57% half way through the year and asked if something happened there. Endicott said our assessment is due in September so it is usually paid in the first quarter.

22. Hold public hearings and adopt resolutions declaring the structures at: 4029 Lindy Avenue, 805-807 SW 3rd Street, 703-1/2 Bell Avenue (voluntary) and 2621 SW B Avenue (re: 208 SW 27th Street) (voluntary) to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolution Nos. 05-___, 05-___, 05-___ and 05-___.

4029 Lindy Avenue: Melissa Laycock, Neighborhood Services Supervisor, presented photographs and stated this house was damaged by fire in November 2004. The homeowners did not secure the property; the City secured the property in December. There has been no contact with the homeowner and there have been previous problems with this residence beginning in June 2004 with improperly stored motor vehicles, and it was unsecured in October 2004 leading up to the fire in November.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Patton, SECOND by Shanklin, to approve **Resolution No. 05-09** and declare the structure at 4029 Lindy to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Shanklin. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

805-807 SW 3rd Street: Laycock presented photographs and said there are three structures on this property; the main structure was damaged by fire. In August 2002 we attempted to declare this a dilapidated structure; the owner agreed to do some work on it so evidently it was backed off. The fire took place in January, citations were written for junk and debris, which remains in the yard, along with junk vehicles. A fire occurred in January 2004. A dumpster was placed in the yard six months ago and as of today no permit has been issued and no work has been done on the property. The rear structure is unsecured and numerous animals live throughout these structures.

Haywood asked if the addresses were correct and said 805 was across the alley. Laycock said they used the information from the courthouse. Haywood said 805 was the house across the street that had been demolished. He asked if it was legally 805. Laycock said the legal at the courthouse showed 805 through 807. Haywood said the house across the alley is 805 but he would not argue.

PUBLIC HEARING OPENED.

Stephen Brown, 2608 NE Garden Lane, said the lady he spoke with on the phone said she was talking about the concrete structure in the very, far back and he did not see it on the pictures. He said she was not talking about the actual home, and there are three buildings on the property. Brown said vagrants were living in the house, it was not rented, the first fire was in November 2003 and the second was in January 2004. There were two separate fires and vagrants caused both according to the Fire Department. There is no insurance on the home so repairs are going slow. Brown said he spoke with Angie Alltizer, the last lady from Neighborhood Services, said whatever they could do would be a plus to it and the first thing would be to board it up. Brown said he works out of town Monday through Friday and he did not have the resources to do much to it right now. He said they plan to repair the structure.

Haywood said Brown's father was the former Assistant City Manager, Reuben Brown. He asked if there were two structures in the back. Brown said there is a storage house behind the main house and all the way back in the back of the fence line there is a concrete storage building. Haywood asked how long Brown had owned the property. Brown said his grandparents moved from Portland, Oregon, in 1988 to this house.

Patton said it was mentioned that there was action before the Council in August 2002 and asked Brown if he recalled that. Brown said no, but his mother might know. Haywood said he did not have any information either and he was on the Council at that time. Haywood asked if there were records that the Council took action on the home previously. Laycock said preparations had been made to bring it to Council.

Haywood asked how long it would take to repair the home. Brown said he got a note saying he had to have a building permit, so that would be the first step, but he would have to find some funding. Haywood said the structure in the back should be torn down. Brown said the one in the far rear; the lady he talked to on the phone last week said the structure he described was not a threat. Brown said he planned to start with a new roof, the siding needed to be redone, the inside has a lot of smoke damage and he had not got any estimates but thought it would be at least \$25,000. Haywood asked if he would secure it and Brown said not at this time, no. Haywood said everything would have to be brought up to date. Brown said he was fully aware of what needed to be done and the

first place to start would be with the permits. Haywood said even if Council condemns it tonight, Brown will still have a certain number of days to get a permit.

Brown asked if the lady he talked to was talking about the building on the back part. Laycock said she spoke with Brown and there is an unsecured structure behind the house. Brown said there are three buildings and he thought she was talking about the third one on the fence line, but he would clean up the one behind the house.

Haywood asked how soon Brown could start on the house. Brown said he could get a permit tomorrow. Warren asked if we were talking about all three structures. Brown said there are three. Warren said all three would then have to be brought to code or be demolished. Vincent said if Council decides to approve the resolution, the first paragraph should be amended to include all three structures. Shanklin asked what percentage of the work had to be done within 30 days. Vincent said substantial progress must be made and it is 50% but we are kind of liberal on that if he is making substantial progress, but the entire thing must be done within 90 days or he has to come back to the Council.

Shanklin asked if Brown wanted to put \$25,000 to \$30,000 in the property. Brown said he has a mortgage on the property and that is the issue. Haywood asked if the structures in the rear would be demolished. Brown said he would repair them and did not want to demolish anything but needed resources. He said he did not want to tear it down because he owed a mortgage.

PUBLIC HEARING CLOSED.

Haywood said he wanted to give Brown time to take care of it. Vincent said if the resolution is adopted, Brown has 15 days to pull the remodel permits and 90 days to complete the work in total; if he is making substantial progress and needs additional time, he can apply to the Council.

MOVED by Haywood, SECOND by Ewing-Holmstrom, to adopt **Resolution No. 05-10** declaring the structure at 805-807 SW 3rd Street as dilapidated and detrimental, and to correct the resolution by striking the word accessory and adding three structures in two places on the resolution. AYE: Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

703-1/2 Bell Avenue (voluntary): Laycock presented photos and said this was a voluntary request for D & D, and it is the accessory structure to the rear of the property. It has not had utilities since 2003. There are a lot of structural problems and the owner would like to demolish it.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Shoemate, to adopt **Resolution No. 05-11** declaring 703-1/2 Bell detrimental to our health, benefit and welfare. AYE: Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

2621 SW B Avenue (re: 208 SW 27th Street) (voluntary): Laycock presented photos and said this was a voluntary request for D & D. It is structurally unsound and not habitable, so the owner is requesting the reduced tipping fees.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Warren, to adopt **Resolution No. 05-12** declaring 2621 SW B Avenue to be dilapidated. AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Vincent said State law was recently changed to require that we cannot file our notice of lien for 30 days after passage of the resolution; prior to January 1 we filed them immediately. Some owners cannot make the 15 day permit deadline so since we cannot file the lien for 30 days, we were wondering if Council would allow us to change the 15 day time to pull the permit to 30 days so we do not have a loophole of two weeks. There is no requirement to do that and it is just a matter of information but it might help some folks out. Shanklin asked if Council was being asked to vote on this now. Vincent said no. Shanklin said he had no problem with it and Vincent said we would make those changes.

Mayor Purcell said he received a request to consider Item 26 at this time. There were no objections.

26. Consider approving contract Amendment #2 with Robert B. Hendrick and Sons Co., Inc. for the Central Junior High Pedestrian Bridge and Signal Improvement Project #2003-2. Exhibits: Letter from Robert B. Hendrick and Sons Co., Inc. dated November 29, 2004.

Jerry Ihler, Public Works Director, said in December 2002, Mr. Hendrick's contract was amended to incorporate the Central Junior High Pedestrian Bridge and Signal Improvement Project. At that time it was a rush item, and costs were anticipated in the neighborhood of \$300,000 based on the cost of the bridge at Fort Sill. Mr. Hendrick

agreed to a contract for 10% of the construction cost. Once the design was complete, the estimated cost for the project was \$160,000, and based on that 10% design fee, his fee would be \$16,000. Ihler said Hendrick is requesting the fee be adjusted. Staff has evaluated that request and agrees the fee should be adjusted based on conversations with the ODOT Bridge Division. This is a specialty item for a walking bridge with a unique design. ODOT personnel suggested a 12% fee would not be out of line. Ihler said it is felt that he should also be compensated 2% for the survey and that was required, so it would be a total of 14%, which comes to \$22,400, or an increase of \$6,400. Ihler said we feel that is a fair and reasonable increase to his contract, and recommended the contract be amended.

MOVED by Warren, SECOND by Givens, to approve the contract amendment two with Robert B. Hendrick & Sons Co., Inc. for the Central Junior High Pedestrian Bridge. AYE: Givens, Devine, Patton, Haywood, Warren, Shoemate. NAY: Ewing-Holmstrom. ABSTAIN: Shanklin. MOTION CARRIED.

23. Consider waiving Council Rules of Procedure, and if waived, reconsider a request for a revocable permit for the placement of a covered patio on the easement located at 108 SE Churchill Way. Exhibits: 1/11/05 Commentary with attachments.

MOVED by Shanklin, SECOND by Warren, to waive Council Rules of Procedure to reconsider this item. AYE: Haywood, Warren, Shoemate, Givens, Devine, Shanklin, Patton. NAY: Ewing-Holmstrom. MOTION CARRIED.

MOVED by Shanklin, SECOND by Warren, to approve a revocable permit to Mr. Rentis on his property at 108 SE Churchill Way. (amended below)

Warren said he wanted to make sure Mr. Rentis understood and that it was on the record that everyone understands that if the Council approves this and two weeks or two years from now, we need to gain access to the sewer line or any utility, staff has said that more than likely the patio cover will have to come down. He said he wanted to be sure that Mr. Rentis understood that was the case and that it would be at Mr. Rentis' cost. Mayor Purcell asked how we make sure the next owner aware of it. Vincent said by filing the revocable permit of record in the county courthouse. Shanklin and Warren amended the motion to include filing the permit with the County Clerk.

Shoemate asked how much concrete was in the easement. Mitchell said the smaller square is the concrete and the larger rectangle is the cover. Devine asked if it was just the canopy or if it was also the concrete. Warren said the concrete and the canopy are within the easement; there are no utilities under either of those items, utilities are four feet away from those items. Devine asked if the small shaded area was the concrete and the outside line drawn around it was the canopy. Warren said no, the outside line drawn around it will be the footprint of the canopy and the concrete. Mayor Purcell said the larger rectangle that is not filled in with anything is the new concrete pad. Patton asked if anything was under it. Warren said no, it is four feet to the closest utility, but if we have to get in there, we will have to take the structure down or he will. Ewing-Holmstrom asked if it was built without a permit. Vincent said it is not just the City that may need access, it is any utility, Southwestern Bell, the gas, electric and cable company, if this obstructs them, the revocable permit requires the owner to take down the property at his expense, not for just the sewer line.

Mayor Purcell said the motion is to give a revocable permit and file it in the County Clerk's Office.

VOTE ON MOTION: AYE: Warren, Shoemate, Givens, Devine, Shanklin, Patton. NAY: Ewing-Holmstrom. OUT: Haywood. MOTION CARRIED.

24. Consider amending the City of Lawton Code by adopting an ordinance amending Sections 7-23-1-2304, 16-4-2-424 and 16-4-2-425 pertaining to the location and use of sound amplifying equipment, loud and unnecessary noises enumerated reducing the allowed decibels, establishing decibel levels which car wash owners are responsible, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-03.

Police Chief Harold Thorne said this would amend three of the ordinances relating to sound. The change to Section 7-23-1-2304 would be to lower the decibel level from 60 to 55, and that measurement would be taken at the property line of which the equipment is located. Chief Thorne said this deals specifically with the use of sound amplifying equipment for which a permit would be obtained.

Givens said current ordinances already prohibit, operation of a radio, where you can hear it 25 feet from a building, structure or vehicle. Mayor Purcell said they were not to that section yet. Givens said it is already in the ordinance that you cannot have a radio that you can hear more than 25 feet from a car. Vincent said there are separate issues at the car wash, being the boom boxes that they sit on the sidewalk and it is not part of the car radio system, so you have sound amplifying equipment under the first part and then the 25 foot rule which applies to the radio inside of the car, so it is two different sound sources. Chief Thorne said the ordinance is specific regarding granting permits to persons wanting to have sound amplifying equipment, then that would govern them, and the next section deals with Givens' comments.

Chief Thorne said Section 16-4-2-424, loud and unnecessary noises enumerated, deals with a variety of loud and prohibited activities related to sound; the only change would be the addition of #15 at the end which relates to car washes and the noise emanating from the facility. The proposal is not exceeding 70 decibels between the hours of 7 a.m. and 10 p.m. and dropping that to 55 decibels between the hours of 10 p.m. and 7 a.m. at the property line on which the car wash is located. Mayor Purcell said they could recess and go to the parking lot to see what that would sound like. Thorne said this conversation would be between 55 and 60 decibels. Ewing-Holmstrom said a person hears music differently than conversation.

Givens said he had no idea what the current decibels are for machinery at a typical car wash, and asked if this would prohibit the machinery. Chief Thorne said it would relate to machinery at the business and it would be prohibited from exceeding 70 decibels, and the same section deals with customers' vehicles. Givens asked if the machinery at existing car washes exceeds 55 decibels. Chief Thorne said yes. Givens asked if that was all car washes and Chief Thorne said they were looking at the one, specific car wash. Givens said he understood the issues with the radios, but some of these businesses have been in operation for quite some time and you are prohibiting them from doing certain kinds of business during certain hours after the fact, and there may be some question in that regard. Devine said the City Attorney needed to find an answer as to whether this would leave the City open to a lawsuit when the City dictates to a business that has been issued a permit to operate then tell them they cannot do it because it makes too much noise. Vincent said the owner was not issued a permit, he was given the zoning needed to allow him to build the business, but we do not permit this type of business.

Devine asked if the zoning requires a certain noise level. Vincent said yes, he cannot exceed 89 decibels at the property line. Devine asked why it was being changed to 55 and 70. Vincent said the Council can make an adjustment and it might be proper to grant an amortization period to get with the manufacturer of the blower, for example, to find out what engineering controls can be added to the machinery to reduce the noise. Vincent said the federal government did something similar to industries when they imposed the OSHA regulations on noise standards throughout the country and required compliance by a certain date, and Council may want to provide a compliance date. Shanklin said you cannot impose your noise on someone two blocks away, and the owner said he would take care of it and he has not done so. Mayor Purcell said he understood the owner had done something within the last two weeks, but this item deals with the ordinance. Givens said he was talking about all car washes. Vincent said this would apply to all car washes. Shanklin said he should be able to enjoy an evening in his own home without noise, and that it was a property owner's right to tell the Council they wanted it stopped.

Mayor Purcell said it was his understanding that the issue was the noise from the cars, not the machinery. Givens asked how the machinery got in the ordinance to lower the decibels. Patton said it is the machinery to some degree. Givens said Shanklin voted in favor of the zoning and would have some of the responsibility.

Shoemate asked if the signs had been put up that were requested. Mayor Purcell said yes, on the wooden fence to the west of the car wash there is a rather large sign that says no noise.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to adopt Ordinance No. 05-03, waive the reading and declare an emergency.

Haywood said Ward 7 would be happy to have a new car wash.

(Title read by Attorney) Ordinance No. 05-03
An ordinance pertaining to standards for location use of sound amplifying equipment, loud and unnecessary noises enumerated and operation of loud machinery, amending Section 7-23-1-2304, Division 7-23-1, Article 7-23, Chapter 7, Sections 16-4-2-425, Division 16-4-2, Article 16-2, Chapter 16, Lawton City Code, 1995, reducing the allowed sound decibels for sound-amplifying equipment, establishing decibel levels for car washes, holding car wash owners responsible for noise violations, providing for severability, and declaring an emergency. (See vote: Ordinance passed without the emergency section.)

VOTE ON MOTION: AYE: Shoemate, Ewing-Holmstrom, Shanklin, Patton, Warren. NAY: Givens. ABSTAIN: Devine. MOTION CARRIED. ORDINANCE IS ENACTED WITHOUT THE EMERGENCY SECTION DUE TO LACK OF SIX AFFIRMATIVE VOTES.

25. Consider approving a Memorandum of Understanding with the Kiowa-Comanche-Apache Intertribal Land Use Committee (KCAILUC), which identifies issues including but not limited to easements to replace existing easements for the City's 24 water line between Ft. Sill Blvd. and Flower Mound Road, the ten acres of land located at Lake Lawtonka, old Southwestern Hospital (4th & Lee Blvd.), and fire and emergency protection for KCAILUC property and is a general agreement to work together to try to resolve those issues and authorize the Mayor and City Clerk to execute the Memorandum of Understanding. Exhibits: MOU.

Mitchell said staff has been meeting monthly with KCA officials and substantial progress is being made. This MOU was drafted and presented to the KCA three months ago and they approved it.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to approve the MOU. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

Haywood asked if Shoemate needed to abstain. Vincent said Shoemate was not on that committee.

27. Consider approving contract Amendment No. 3 with CH2M Hill, Inc. for professional engineering services for the design of the Ultra-Violet Disinfection System and Instrumentation Modifications at the Wastewater Treatment Plant. Exhibits: Amendment to the Agreement.

Ihler said this project was included in the 2005 CIP. This item is to amend the design contract with CH2M Hill for the Southeast Water Treatment Plant to incorporate the UV System and SCADA modification. There is a potential cost savings in design and construction by placing these in the Southeast project because it is similar type work. From the design standpoint, the savings will be that CH2M Hill has agreed to do it on their fee curve for the SE Water Plant. This work is between \$1.8 and \$2 million and the fee would be 10% but we are receiving a fee in the neighborhood of 7% so there is a cost savings of \$50,000 in the design. The real savings will be in having one construction contract to administer. He recommended amending the contract with CH2M Hill.

Shanklin asked if this was or soon would be an EPA mandate. Ihler said a consent order was received from ODEQ regarding a by-product as a result of using chlorine gas at the Wastewater Plant; the other issues deal with having to do risk management as a result of using chlorine gas, so the system is being changed.

MOVED by Ewing-Holmstrom, SECOND by Shanklin, to approve Amendment No. 3 with CH2M Hill. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

28. Consider identifying a Wastewater Infrastructure Improvement Project for construction, requesting release of additional grant funding and identifying matching City funds for such a project. Exhibits: Location Map.

Ihler said in 2000 the City submitted a request for assistance to the Congressional delegation for funding for the unfunded sewer mandate. The delegation was able to get \$5 million authorized for future expenditures to be distributed out over a series of years. To date, approximately \$2 million of that \$5 million has been appropriated through the Army Corps of Engineers. The City should identify a sewer project to be funded and the Army Corps of Engineers and staff recommend using a phase three sewer project, the South Wolf Creek Expansion Project, phases one and two. Since this is a phase three project, there is no time constraint due to a consent order with DEQ because the consent order has only been through phase two projects. There is time to lobby with the legislative delegation to try to get the rest of the \$3 million appropriated, and if one large project is done, there will be a significant savings in administrative costs. The right of way for this project can be considered as a cost and used as part of the match which is 25% by the City. The recommended funding source is the savings from phase one of the sewer rehab program.

Shanklin asked if it is going across farmland. Ihler said yes, it is parallel to an existing 42 trunk main; construction is estimated between \$6.5 to \$6.8 million for 2-1/2 to 3 miles. Devine asked if the sewer line will serve Goodyear and Ihler said yes. Devine asked if it would take care of the water that Energetix will discharge, should they open. Ihler said this line will not be used for the treated water that will be pumped from the Wastewater Plant to the industrial park but the discharge from the industrial park will come through this line. Patton asked the age of the existing line. Ihler said he thought it was in the mid 1960 s.

MOVED by Devine, SECOND by Shanklin, to identify the South Wolf Creek Expansion Projects 1 and 2 for construction, request from our Congressional Delegation authorization for expenditure of remaining authorized federal funds and utilize savings from Phase 1 of the Sewer Rehabilitation Program for the City s matching funds. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

29. Discuss and consider the merits of eliminating water leak adjustments as set forth in Section 22-2-1-215, Chapter 22 of the Lawton City Code, and take appropriate action, if any. Exhibits: Ordinance No. 04-43; List of water adjustments.

MOVED by Devine, SECOND by Givens, to strike this item. AYE: Shoemate, Givens, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

32. Consider appointment of a restoration committee for the old Lawton High School facility, formerly known as Central Junior High School. Exhibits: None.

Givens said this is in the CIP and there are some on-going questions and work, and Council should not be left out. Mayor Purcell asked if the concern was for a committee or that Council be advised when the meetings are being held to receive a report. Givens said it is a big enough project with enough interest that a committee would be helpful. Mayor Purcell said the school system is running it and they meet with the architect; he asked if the

committee would meet at any other time. Givens said he understood there was some input already happening from the City, and some questions about the entity that would finally own the building, and the Council should be more aware, and people throughout the community are interested.

Discussion was held with regard to the purpose of the proposed committee and possible members. Following discussion, Mayor Purcell agreed to appoint a Mayor's Task Force composed of Shanklin, Warren, Givens, Minnette Page, and Ernest Godlove. Vincent said such a group would not be required to comply with provisions of the Open Meeting Act and that staff support could not be given.

Mitchell said a meeting will be held with the architect on February 3 at 10 a.m. and they would discuss hiring a contractor to begin demolition on the west building, and discuss a layout. He said he sent the architect the existing square footage of the City offices that would be in this facility.

Warren asked if any CIP funds would be spent before phase one. Mitchell said the concept is to begin with the exterior demolition, then move to interior demolition, and the balance of the first phase would be the conference space, which will be funded by the McMahon Foundation. Phase Two would be the portion the City is considering to use as a City Hall, which would initiate the expenditure of the CIP funds. Mitchell said August 2007 would be a projected move-in date, but it may not be met. The Centennial Commission will be requested to fund the remainder.

Mayor Purcell said the Centennial Commission requested \$34 million from the State Legislature. The projects in Lawton are the \$3 million for Central Junior High restoration and a smaller amount for the Mattie Beal Home. Mitchell will contact Barry Beauchamp, LPS, and ask to attend their meetings, and the Mayor will appoint a task force. Shanklin suggested an elected official accompany Mr. Mitchell and Givens will do so.

Mayor Purcell recognized Mr. Tippens after Council agreed to hear his comments.

Jim Tippens, 4640 Meadowbrook, said he was not present at the last meeting and did not know that his car wash was going to be discussed. He said he believed the Council had been misinformed and he distributed pictures. Tippens said he wanted to go through the August 13, 2002, Council minutes where the rezoning was approved. Shanklin asked how long Tippens would be allowed to speak and said his name was in about every other paragraph because he supported the rezoning and then Tippens let him down by not doing what he said he would do.

Mayor Purcell asked if Council desired to establish a time limit and Tippens was given five minutes.

Tippens summarized from 8/13/02 Council minutes that he would post signs about the City noise ordinance and talked about having undercover police. He said the fourth page of the photos shows a sticker he attached to the change machines reading, The City has an ordinance against loud music. Undercover officers may be enforcing this law. Tippens said he placed those stickers at his 38th Street location, and at the Cache Road location as soon as it opened. He said anyone that goes to the car wash goes to the change machine and they are within an arm's reach of that sticker. Tippens said he said he would do these things, and these are the things he has done.

Tippens said he would build an attendant building under the drying canopy; page two shows a photo of it. He said he would have an attendant on duty, and that he has tax statements showing he has two full-time employees working both locations. Tippens said both car washes have attendants seven days a week and hardly any car washes have that. He said he pays \$24,000 to \$25,000 per year for the attendants, who are instructed to tell anyone who has loud music to turn it down; they are also instructed to tell patrons to leave if they do not turn their music down. Tippens said he has personally asked customers to leave and to turn their music down. He said around 2,000 cars per week come through the Cache Road location and one out of a hundred will play music too loud, and hopefully we will be there to make him quiet down.

Tippens presented a photo of the car wash located one mile to the east of his, showing his last stall is within ten feet of his neighbor's fence. He said the nearest neighbor to his back fence is nearly 200 feet. Tippens said Charles Brown, 7604 Baldwin, lives behind the car wash and seldom hears anything and has no problem with the car wash. He said Mr. Brown's neighbor also does not complain. Tippens said Mr. Brown said the neighbor that was complaining had also complained about his (Mr. Brown's) house as far as kids playing in the yard making noise and a dog barking in the back yard.

Tippens said Ms. Dawes has complained about the loud noise, but she was before the Council giving her approval for the rezoning for the car wash. He said she was probably the only person who could oppose it because she was within 50 feet. Tippens said he knew the reason for Ms. Dawes' support and that no one in his right mind would have said yes, put a car wash right next to my house. Tippens said Ms. Dawes wanted to rezone her property, and she knew if she opposed a rezoning, the Council might oppose her request for rezoning. He said subsequently, Ms. Dawes' property is worth between \$500,000 to \$1 million, but she stood before Council two weeks ago and said property values were probably going down because of the car wash, where her property value skyrocketed because of the commercial.

Ewing-Holmstrom said this was a big issue two weeks ago, and everyone said the attendant was not acting properly and was in fact part of the problem. She asked why the Council was still receiving complaints. Tippens said the time of the complaints may be an issue; the attendant works from 8 a.m. to 5 p.m. and when the attendant is on duty, it is not a problem, although the attendant goes to lunch. Ewing-Holmstrom asked if there was an attendant at night. Tippens said no. Ewing-Holmstrom asked the time of most of the complaints. Chief Thorne said some were in the evenings and some were during the day.

Mayor Purcell said he visited the car wash today and talked to three who came to the last Council meeting. He said the people who were complaining are satisfied with what has happened, and the cold weather may be a part of it, but he was told the attendant is in a golf cart now and if anyone plays music, they tell them to turn it off. Tippens said he had always had the golf cart. Mayor Purcell said if Tippens keeps doing as he has for the last two weeks, it should be settled and that the police cannot keep staying there like they have been.

Tippens said the ordinance tonight was to measure noise at the property line. He asked that it be reconsidered and take it to the nearest residential property line. Tippens said several car washes, including his, are located right on the property line but they may be adjacent to commercial property or a road so it should be to the nearest residential property line. Mayor Purcell said the City Manager and Police Chief can look into that.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER Report on E Gore traffic

Givens asked if the electronic bidding had started. Rick Endicott, Finance Director, said they received word today that the successful vendor is involved in lawsuits and the firm is being sold so he instructed the purchasing staff to drop all dealings with the vendor.

Devine said the 700 block of N 40th has drainage problems and sewer mains are stopped up causing sewage to stand in the street. He said kids play in it during the summer not knowing it is raw sewage. Devine said there was a main break across the street, and it has eroded the street, which is starting to collapse. He asked that it be repaired. Devine said 27th and Arlington has a problem with standing water and kids have to wade through it to get to school.

Ewing-Holmstrom asked that staff look into installing a turn bay in front of the National Guard Armory exit for traffic going west on Cache Road. She said traffic is travelling at 40 to 45 mph coming off of I-44 and cars are stopped trying to make that turn. Ewing-Holmstrom said Guard weekend is every month and a lot more traffic will be going to the park since it has been improved.

Ewing-Holmstrom said at 2nd and Gore, a business is being built and traffic cones were in the street in an area that contains a bend so there was no advance warning that the lane was closed. She said the rules should be looked at in this regard because it is a safety hazard and it happens often. Mitchell said the construction on 2nd Street did not have a permit and they were stopped.

Shanklin congratulated eight persons who graduated as Sentinels with the Police Department. He asked if Lawton police officers were going to be employed full time at the Lawton Public Schools. Mitchell said no, it was a discussion but would require approval of both LPS and the City Council during budget sessions, and the memo was to advise of an initial meeting with the School Superintendent. Mayor Purcell said the concept was that LPS would pay for them for nine months and the City would pay for them for the other three months, but it is a long way off and the memo was to keep Council informed.

Shanklin said he had a problem with people talking on the telephone while driving. Vincent said a change in State law would be required before an ordinance could be adopted prohibiting it, although tickets can be written now if an accident is involved.

Haywood commended the Street Department and Public Works for doing an outstanding job.

Warren said the whole intersection to Elmer Thomas Park should be looked at and not just the area at the Armory, because traffic will be increasing. Ewing-Holmstrom suggested a flashing yellow light on the highway might be a good idea.

Mayor Purcell said he and Mitchell met yesterday with Commissioner Kirby regarding E911, and the City Manager has asked the Police Chief to put together, in the next 45 days, some kind of transition plan, which will then be brought to Council, and the same thing will be done for the County Commissioners. He said the only discussion was that we really should combine the two because it will save a lot of money. Mayor Purcell said other counties may be interested in joining if the City and County do consolidate, and they looked at the Courthouse basement because it will go to a regional operation sooner or later; right now it is just E911, and the next step would be consolidating the emergency operations. He said as soon as more information is obtained, it will be presented to Council for a decision on whether it should be done. Mayor Purcell asked if there were any violent objections to combining the E911, and the Emergency Operations Center at some point, between the City and County.

Devine said three persons were appointed to a committee to work with E911 and asked why they were taken off of it and out of the loop, and that he had never been informed of any meetings, then all at once the Mayor and his group decided to do all of this without the committee and he did not understand that. Mayor Purcell said the committee rejected the idea, it was two years ago, and it died. Mayor Purcell said a new County Commissioner had been elected and they discussed the fact that we need to save money. Devine said the Council did not discuss it and the Mayor made all of the decisions. Mayor Purcell said he made no decisions; he said he wanted to know if there were objections, and told Devine to state it if he had a violent objection. Devine said that was what he did.

Shanklin said he objected to Lawton taxpayers funding it, and the County will run out of money unless Mayor Purcell and Kirby made a deal. Mayor Purcell said no deal was made and he could not report quicker than today on a meeting that was held yesterday, he could not control what was on the television and newspaper. Mayor Purcell said the City and County each contribute to 911, and we will be directed in the future by the State and Federal Government to have a regional 911, and it could be located in Lawton or in some other city. Mayor Purcell said the question becomes do we start being proactive, and combining with Fort Sill has worked great, and combining the City and County saves dollars for citizens, and Lawton citizens are paying twice, through ad valorem and the 911 system.

Mayor Purcell said if there are strong objections to this issue, he will report that to Ron Kirby and staff will not be asked to continue working on it, but crews may be dispatched from Duncan or somewhere else if this is not done. Shanklin said it will be done here but he did not want the citizens of Lawton to have to pay any more money. Mayor Purcell said that was the point and the details have to be worked out; nothing will happen that Council does not approve in terms of funding, and the proper personnel of both entities are involved. Mayor Purcell said he heard Devine's objection to combining the City and County 911, and asked if there were others.

Patton said he agreed with the concept and wanted to be sure that the line personnel using the system, such as the deputies or patrol officers who have a lifeline through the dispatcher, are informed of what is taking place and know about the process.

Shanklin said the Mayor needs to take a councilmember with him when he goes to negotiate. Mayor Purcell said he was not going to negotiate anything.

Haywood said Doug Wells was formerly in charge of Lawton's 911 and he was a wonderful person. He said he wanted to hear more of what was going on. Mayor Purcell said the staff has to work on the details and Council will consider it then, and he was not making any deals.

Warren said he wanted to go on record in saying he was totally in favor of combining 911 and totally in favor of saving money for the citizens of Comanche County and of Lawton.

Devine said he was not violently opposed but felt decisions were made before being brought to Council. He said he agreed this would have to be done eventually but that he did not think the Council was being informed until it was too late and commitments had already been made. Devine said it comes out in the paper that way and it has not been to Council. Mayor Purcell said that was wrong and he could not control what is put in the paper or on TV. Devine said it sets the Council up for thinking in that direction and that is wrong. Mayor Purcell said no decisions have been made. Devine said it should have been more people than just the Mayor and Ron Kirby. Haywood said it is the perception. Warren asked what the perception was. Devine said that it has already been passed and that it will be put in the Courthouse basement. Warren said that had not been decided yet.

Mitchell said he was in the meeting with the Mayor and Ron Kirby yesterday and one of the suggestions was that it could possibly be located in the basement of the County Courthouse. He said the first step is to get an opinion from an architect or engineer on the feasibility of using that space, and Ron Kirby said during the meeting that if it is feasible, the County does not have the money to convert the space or move the Sheriff across the street into the bank building, and all of those will have to be budget decisions. Mitchell said this is the initial step, just like we were talking about the high school earlier.

Ewing-Holmstrom asked if the County originally came up with the idea. Mayor Purcell said it started six or seven years ago and he did not recall who initiated it. Ewing-Holmstrom asked if the 911 personnel would work for the City or County. Mayor Purcell said he did not know, and said the City and County employees decided it would work but there is no reason to do a transition plan if the Council or County Commissioners are not for it. Mayor Purcell said he was told yesterday that the County Commissioners support the concept, although they do not have any details yet. Mayor Purcell said if the majority of Council are not interested, the staff needs to be told to stop working on this.

Ewing-Holmstrom said she was concerned the City would get stuck with the bills because the statement was made that the County did not have the money. Mayor Purcell said the details have to be worked out. Ewing-Holmstrom said she could not make her decision without those answers. Mayor Purcell said a decision can be made that

Council is not opposed to combining it but that the final decision depends on whether those questions can be answered satisfactorily.

Shoemate said he was not opposed to combining and that he would like to see a plan before deciding what he wanted to do.

Mayor Purcell said staff will do the work and bring a plan to Council for a decision. He said if it was absolutely no, there would not be a reason for them to go through the work of developing a plan, but he was not going to get a clear answer from Council. Mitchell said the only question that has been answered is whether or not it can be done, and that answer is yes.

Chief Thorne said a staff committee met to see if combining operations was feasible and if it could be an improvement. He said his first concern was the safety and effective emergency response to the citizens of Lawton. Chief Thorne said the committee agreed there would be a benefit from combining and they offered up a location for consideration but he wanted to be sure the area was large enough to grow and include others if appropriate, but that it would be up to the Council and County Commissioners to make the decisions. He said there are a lot of infrastructure questions and other items that must be ironed out.

Haywood asked what other counties had asked about being included. Chief Thorne said he had heard that possibly Stephens County and Duncan were looking at it. Haywood asked if other cities do this. Mayor Purcell said it was done in Tulsa several years ago and works well.

Mayor Purcell directed the City Manager to bring an agenda next time to talk about the traffic conditions on East Gore. He said there have been three accidents since the last discussion, not including the one today. Shanklin asked if it was a state highway. Mayor Purcell said not at that exact location. Shanklin asked if the light could be moved. Mayor Purcell said it would cause problems for cars getting on the interstate. Chief Thorne said since December 7th, there have been 11 accidents at I-44 and Gore, and three fell into the situation being considered here. Devine said it is a very busy intersection. Chief Thorne said many of the accidents were related to ice on the bridge.

Mayor Purcell pointed to the new City seal and thanked T & S Printing for their assistance. The seal now says City of Lawton.

Mitchell said he handed out a draft of a memo on a proposed legislative agenda. He asked for responses and comments from Council so he could finalize it by the end of next week.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated law suit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled IAFF Local 1882 and Ray Dye vs. The City of Lawton, Case No. FMCS 050107-52416-7, and if necessary, take appropriate action. Exhibits: None.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the Comanche County District Court, Bradwell Development Corporation v. City of Lawton, Case No CJ-2004-1118; and if necessary, take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of property which is necessary for the Flower Mound Road Project (Gore to Rogers Lane) #STP-116B(046) and if necessary, take appropriate action in open session. Exhibits: None.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Michael Corrales as Municipal Judge, and in open session, consider approving an Employment Agreement with Michael Corrales as Municipal Judge and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary.

MOVED by Warren, SECOND by Ewing-Holmstrom, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

The Mayor and Council recessed for ten minutes, then convened in executive session at approximately 9:30 p.m. and reconvened in regular, open session at approximately 10:57 p.m. with roll call reflecting all members present.

Vincent read the title of Item 33 shown above. He said the Council convened in executive session to discuss the item and said the Council received a report on the current status of the case. Vincent said no action is required in open session.

Vincent read the title of Item 34 shown above. He said the Council received a report on the status and the City Attorney s Office made a recommendation.

MOVED by Patton, SECOND by Shanklin, to authorize the City Attorney to initiate litigation to challenge the arbitrability of grievance FMCS 050107-52416-7 concerning Ray Dye. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. MOTION CARRIED.

Vincent read the title of Item 35 shown above. He said the Council convened in executive session to discuss the item. Vincent said the Council received a report on the status of this litigation and no action is required at this time.

Vincent read the title of Item 36 shown above. He said an action is recommended concerning the property owned by Lance and Lisa Wade.

MOVED by Ewing-Holmstrom, SECOND by Shoemate, to accept settlement of the property acquisition of Lisa and Lance Wade, authorize payment of \$20,000 and the installation of a driveway with a 25 foot width, accept the necessary documents, and authorize the Mayor and City Clerk to execute all necessary instruments. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

Mayor Purcell read the title of Item 37 shown above. He said Council convened in executive session as shown and that no action is required at this time.

There being no further business to consider, the meeting adjourned at 10:59 p.m. upon motion, second and roll call vote.